


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-HC-2177-BR

FILED

OCT 14 2011

DENNIS P. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY  DEF CLK

UNITED STATES OF AMERICA,)
 Petitioner,)
)
) MOTION FOR APPOINTMENT
)
) OF SUBSTITUTE COUNSEL
)
v.)
)
JAMES BARTON HORN,)
 Respondent.)

The Respondent, pro se, respectfully requests the District Court to appoint substitute counsel in this case. In support of this motion the Respondent shows the following:

1. The Honorable James E. Gates, United States Magistrate Judge, has made a determination in this matter on two previous occasions. Judge Gates denied a motion to withdraw as attorney on May 13, 2011, and also denied a motion for appointment of substitute counsel on August 26, 2011. Therefore, Respondent prays that the District Court will now decide this issue.

2. There had been no communication between Respondent and panel attorney Jerry Leonard for over 7 weeks until a tense telephone conversation on October 6, 2011. No future communication is possible. The specific matters of contention are best left undocumented.

3. Respondent pleads with the Court in the strongest possible terms for expediency in this issue, to minimize further delay. Additionally, Respondent asks for substitute counsel who will challenge the government's insistence on retaining multiple ex parte examiners and other violations of section 4248. Respondent

has raised concern about these matters for 14 months to no avail.
Respectfully submitted this 11 October 2011.

James B. Horn
James B. Horn 09183-045
Federal Correctional Institution
P.O. Box 1000
Butner, NC 27509

CERTIFICATE OF SERVICE

A copy of this motion was mailed to:

Norman Acker, Assistant U.S. Attorney,

Jerry Leonard, Esq., as follows:

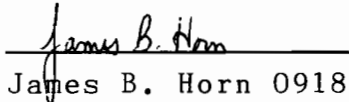
⇔09183-045⇔

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310 New Bern Avenue
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Jerry W. Leonard
Attorney at Law
Post Office Box 3
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This 11 October 2011.



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FEDERAL CORRECTIONAL INSTITUTION
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DATE 10-12-11

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⇔09183-045⇔

Dennis P. Iavarone
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